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| APPLICATION NO.                                             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/781,201                                                  | 02/13/2001  | Roger D. Wood        | 06683.0002.NPUS00   | 7037             |
| 718                                                         | 7590        | 08/08/2006           | EXAMINER            |                  |
| REED SMITH LLP<br>P.O. BOX 488<br>PITTSBURGH, PA 15230-0488 |             |                      |                     | GYORFI, THOMAS A |
|                                                             |             | ART UNIT             |                     | PAPER NUMBER     |
|                                                             |             |                      |                     | 2135             |

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# BEST AVAILABLE COPY

|                              |                        |                  |  |
|------------------------------|------------------------|------------------|--|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)     |  |
|                              | 09/781,201             | WOOD, ROGER D.   |  |
|                              | Examiner<br>Tom Gyorfi | Art Unit<br>2135 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on 25 May 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority document's have been received.  
2. Certified copies of the priority document's have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a " " of the certified copies not received.

## Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SAC-1449)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-30 remain for examination.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/06 has been entered..

### ***Response to Arguments***

3. Applicant's arguments, see the amendment filed 5/25/06, with respect to the rejection(s) of claim(s) 1-30 under Freeman in view of Huang have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Freeman in view of Richley.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-2, 5, 7-14, 17-21, 24-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (U.S. Patent 6,068,183), and further in view of Richley et al. (U.S. Patent 6,348,908).

Referring to Claim 1:

Freeman discloses a portable authentication device, comprising: a body (Fig 1A; col. 2, lines 50-60); a contact area disposed in said body (col. 2, lines 60-65); an identification portion disposed in said body (col. 2, lines 59-62); a display area disposed in said body (col. 3, lines 1-10; col. 6, lines 10-30); and a processor, disposed in said body, for providing data to said active display (col. 3, lines 30-40).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, Richley discloses such a device (col. 2, lines 63-67), which is capable of being used in portable devices (col. 14, lines 25-27). It would have been obvious to use the active reflective bistable display found in Richley as the display means in the device disclosed by Freeman. The motivation for doing so would be to use a screen technology that confers the benefits of a powered display such as can be found in at least one embodiment of Freeman (col. 6, lines 31-35) without actually requiring an external power source that would make the device more cumbersome to use (Richley, col. 2, lines 45-55).

It is noted here that the Richley invention is a Gyronicon display (e.g. col. 5, lines 55-65, and Fig. 4), which is a known prior art technology that Applicant has admitted is an "active reflective bistable display" (see the instant specification, page 7, lines 15-19).

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Referring to Claim 17:

Freeman discloses an authentication system, comprising: a portable authentication device having a display (col. 3, lines 1-10; col. 6, lines 10-30); a database server (col. 4, lines 15-30, 40-50); and an authentication device interface, coupling said portable authentication device and said database server (Fig 3).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, Richley discloses such a device (col. 2, lines 63-67), which is capable of being used in portable devices (col. 14, lines 25-27). It would have been obvious to use the active reflective bistable display found in Richley as the display means in the device disclosed by Freeman. The motivation for doing so would be to use a screen technology that confers the benefits of a powered display such as can be found in at least one embodiment of Freeman (col. 6, lines 31-35) without actually requiring an external power source that would make the device more cumbersome to use (Richley, col. 2, lines 45-55).

Referring to Claim 23:

Freeman discloses a method for authenticating a patron having an authentication device, comprising: providing an authentication device having; a display (col. 6, lines 10-30); updating a database server with authentication data associated with a venue (col. 5, lines 10-15, 50-65); displaying display data corresponding to the authentication data on the authentication device (col. 5, lines 60-65); establishing a communication between the authentication device and the database server; and deciding whether to

grant the patron access to the venue based on the communication (col. 2, lines 1-10; col. 5, lines 40-65).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, Richley discloses such a device (col. 2, lines 63-67), which is capable of being used in portable devices (col. 14, lines 25-27). It would have been obvious to use the active reflective bistable display found in Richley as the display means in the device disclosed by Freeman. The motivation for doing so would be to use a screen technology that confers the benefits of a powered display such as can be found in at least one embodiment of Freeman (col. 6, lines 31-35) without actually requiring an external power source that would make the device more cumbersome to use (Richley, col. 2, lines 45-55).

Referring to Claim 2:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses a card approximating a size and shape of a standard credit card (col. 2, lines 15-25; col. 6, lines 55-65).

Referring to Claim 5:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses said contact area further comprising: a contact enabled for receiving externally-supplied power (col. 3, lines 30-35; col. 6, lines 45-55).

Referring to Claim 7:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses said active display comprising: a variable display (col. 6, lines 10-30); wherein said variable display is enabled for bistable display of authentication information (col. 2, lines 1-10).

Referring to Claim 8:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses a machine-readable portion, coupled to said body, enabled for storage of machine-readable data (Fig 7; col. 15, lines 15-23).

Referring to Claim 9:

Freeman and Richley disclose the limitations of Claim 8 above. Freeman further discloses said machine-readable portion comprises at least one of a magnetic strip and an optically-readable portion (Fig 1B; col. 2, lines 60-67; col. 5, lines 15-23).

Referring to Claim 10:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses a communication portion, coupled to said body, for enabling said authentication device for wireless communication between said authentication device and an authentication device interface (col. 2, lines 65-68).

Referring to Claim 11:

Freeman and Richley disclose the limitations of Claim 10 above. Freeman further discloses said communication portion comprising: a wireless transmitter/receiver (Fig 5A; col. 2, lines 65-68).

Referring to Claim 12:

Freeman and Richley disclose the limitations of Claim 11 above. Freeman further discloses said communication portion further comprising: means for communicating data between said wireless transmitter/receiver and a location external to said authentication device (col. 2, lines 65-68; col. 5, lines 25-45).

Referring to Claim 13:

Freeman and Richley disclose the limitations of Claim 12 above. Freeman further discloses said means for communicating comprise an antenna embedded in said body (col. 2, lines 65-68).

Referring to Claim 14:

Freeman and Richley disclose the limitations of Claim 1 above. Freeman further discloses a memory portion, disposed in said body, enabled for storing data (col. 3, lines 45-55).

Referring to Claim 18:

Freeman and Richley disclose the limitations of Claim 17 above. Freeman further discloses an authentication device reader, coupled to said authentication device data interface, for communicating directly with and identifying said portable authentication device (col. 2, lines 30-35; Fig 3-4; col. 4, lines 15-30; col. 2, lines 1-10).

Referring to Claim 19:

Freeman and Richley disclose the limitations of Claim 17 above. Freeman further discloses a public network in communication with each of said portable authentication device, said database server and said authentication device interface (col. 5, lines 50-65; Fig 5A).

Referring to Claim 20:

Freeman and Richley disclose the limitations of Claim 17 above. Freeman further discloses a venue portion, coupling said database server and said authentication device data interface; wherein said venue portion communicates authentication data associated with a venue to said authentication device interface upon detection of said authentication device (col. 5, lines 50-65; col. 2, lines 1-10).

Referring to Claim 21:

Freeman and Richley disclose the limitations of Claim 17 above. Freeman further discloses a patron portion, coupling said database server and said authentication

device interface; wherein said patron portion communicates authentication data associated with a venue to said database server in response to a request by a patron (col. 5, lines 50-62; Fig 3-5A).

Referring to Claim 24:

Freeman and Richley disclose the limitations of Claim 23 above. Freeman further discloses comparing identification data of the authentication device and the authentication data; and granting to the patron access to the venue if the identification data of the authentication device and the authentication data match (col. 2, lines 1-10; col. 5, lines 55-65).

Referring to Claim 25:

Freeman and Richley disclose the limitations of Claim 24 above. Freeman further discloses the identification data is identifiable with the patron based on patron data stored in the database server (col. 4, lines 5-35).

Referring to Claim 27:

Freeman and Richley disclose the limitations of Claim 23 above. Freeman further discloses said establishing is of a communication link between an authentication device interface located at venue and the database server (Fig 5A; col. 5, lines 50-65).

Referring to Claim 28:

Freeman and Richley disclose the limitations of Claim 23 above. Freeman further discloses receiving a request from the patron for authorization to enter the venue; wherein said updating is in response to the request (col. 2, lines 1-10).

Referring to Claim 29:

Freeman and Richley disclose the limitations of Claim 28 above. Freeman further discloses the request is received from a location remote to the database server (Fig 3; col. 5, lines 1-20; col. 5, lines 50-65).

Referring to Claim 30:

Freeman and Richley disclose the limitations of Claim 23 above. Freeman further discloses said establishing takes place over a public network (Figures 3-5A; and col. 5, lines 40-60).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Richley as applied to claim 2 above, and further in view of Haddock et al. (U.S. Patent 4,736,966).

Referring to Claim 3:

Freeman and Richley disclose the limitations as discussed in claim 2 above. Neither Freeman nor Richley disclose "said card is approximately 85 millimeters (mm) in length, 55mm in width, and 1mm thick." However, Freeman does disclose that the card is readable by ATM machines. In addition, Haddock teaches that a standard credit card size that permits usage in an ATM machine is 85mm X 55mm (Haddock, col. 3, lines 5-15) X approximately 1mm (col. 1, lines 65-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman in view of Richley such that the card is approximately 85mm in length, 55mm in width, and approximately 1mm thick as taught by Haddock. The motivation for doing so would be to allow the card to be used like a regular banking/credit card (Freeman, col. 6, lines 55-65, and Figure 7).

7. Claims 4, 6, 15, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Richley as applied to claims 1-2 and 23 above, and further in view of Gray (U.S. Patent 6,268,788).

Referring to Claim 4:

Freeman and Richley disclose the limitations as discussed in Claim 2 above.

Neither Freeman nor Richley explicitly disclose "said portable authentication device is enabled for communication with an authentication device interface, said processor being enabled for processing authentication information received from the authentication device interface."

Gray discloses said portable authentication device is enabled for communication with an authentication device interface (Fig. 12B), said processor being enabled for processing authentication information received from the authentication device interface (col. 15, lines 1-10).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman in view of Richley such that the card can process authentication information as taught by Gray. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

Referring to Claim 6:

Freeman and Richley disclose the limitations as discussed in Claim 1 above.

Neither Freeman nor Richley explicitly disclose "contact area further comprising: a contact enabled for communication of data between said authentication device and an authentication device interface."

Gray discloses contact area further comprising: a contact enabled for communication of data between said authentication device and an authentication device interface (Fig. 8-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman in view of Richley such that a contact enabled for communication of data between said authentication device and an authentication device interface. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

Referring to Claim 15:

Freeman and Richley disclose the limitations as discussed in Claim 1 above.

Neither Freeman nor Richley explicitly disclose, "said memory portion stores biometric identification data of a patron."

Gray discloses said memory portion stores biometric identification data of a patron (col. 13, lines 40-45).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman in view of Richley such that a memory portion stores biometric identification data of a patron. One of ordinary skill in

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the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

Referring to Claim 16:

Freeman in view of Richley in view of Gray discloses the limitations as discussed in Claim 15 above. Freeman further discloses said memory portion stores data for at least one of display in said active display area, for user authentication, for patron preferences and for system data (col. 3, lines 30-40; 45-55).

Referring to Claim 26:

Freeman and Richley disclose the limitations as discussed in Claim 23 above.

Neither Freeman nor Richley explicitly disclose, "verifying an association between the patron and the authentication device prior to said granting."

Gray discloses verifying an association between the patron and the authentication device prior to said granting (col. 13, lines 40-45; col. 15, lines 1-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Freeman in view of Richley such that an association between the patron and the authentication device is verified prior to said granting. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Richley as applied to claim 17 above, and further in view of Gebb (U.S. Patent 6,067,532).

Referring to claim 22:

Freeman and Richley disclose the limitations as discussed in Claim 17 above.

Neither Freeman nor Richley explicitly disclose "a phone ordering interface, coupling said database server to a public network; wherein said phone ordering interface communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN)". However, Freeman does disclose the use of a public network which uses a modem, a modem being known in the art as a device for converting digital signals into analog signals for use on a telephone network. A user can buy tickets via this network (Fig. 5A; col. 5, lines 50-65). In addition, Gebb discloses a phone ordering interface, coupling a database server to a public network (col. 4, lines 35-45) wherein said phone ordering interface communicates authentication data associated with a venue to a database server in response to a request by a patron received through a phone network (col. 6, lines 5-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman in view of Richley such that the ticket could be ordered over the phone, as taught by Gebb. The motivation for doing so would be to reduce box-office lines (Freeman, col. 5, lines 55-65).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: "A bright new page in portable displays" discloses a number of prior art display technologies that satisfy the limitation of "active reflective bistable display, including Gyronicon displays (pages 44-45).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG  
8/2/06



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